

Draft Minutes
Delta Protection Commission Meeting
November 18, 1999

1. **Call to Order.** The meeting was called to order at 6:40 p.m. Commissioners present: Broddrick, Coglianese, Curry, Ferreira, McCarty, Matthews, Mello, Nottoli, Salmon, Sanders, Thomson, and Yates. Commissioners absent Brean, Cabaldon, Calone, Canciamilla, Harris, McGowan, and Simas.
2. **Public Comments.** Bert Vezien of Isleton said he has a herd of goats available for controlling vegetation on levees. Commissioner Mello asked if hooved animals were allowed on Corps levees; Wendy Halverson-Martin said there was not a conflict.
3. **Minutes of Last Meeting.** Vice Chair Mello said that on page 1, #3, the text should indicate that steelhead are affecting permits. Commissioner Matthews asked that the minutes be corrected to indicate she was absent; on a motion by Commissioner Yates and a second by Commissioner Thomson, the minutes as amended were adopted by the Commission.
4. **Chairman's Report.** Chairman McCarty said the next Commission meeting is scheduled for January 27, 2000, here in the Jean Harvie Community Center. At that meeting, the Commission will be reviewing the proposed North Delta National Wildlife Refuge environmental document and adopting comments on the proposed project, and reviewing the annual report for 1999.

Chairman McCarty announced that the Secretary for Resources has asked the Delta Protection Commission to serve on the CALFED Policy Group. This will mean that the Commission's views, positions, and policies can be communicated directly to the Policy Group, rather than going through the staff or the BDAC. Chairman McCarty said that because he already serves on the BDAC, he proposed appointing the Executive Director, Margit Aramburu, to sit on the Policy Committee to represent the Commission—with the concurrence of the Commission. The Commission concurred with the appointment.

At the November 17, 1999 Policy Group meeting, the Commission was asked to provide comments on the four Category III projects proposed in the Delta. Staff prepared a staff report that outlines these projects. Wendy Halverson-Martin, the Director of the CALFED Category III program, briefed the Commission on these projects. Also present were Brad Barkholder of the Department of Fish and Game, Mike Eaton of the Cosumnes Preserve, and Tom Harvey of the Fish and Wildlife Service. Because the item was not on the agenda, the Commission could not take any formal action, but the Commission could accept the briefing and make comments as appropriate.

Wendy Halverson-Martin, briefed the Commission on the Category III program and the need for local support of these projects. She noted the projects are all Phase Two projects. The Canal Ranch project will look at potential design of a demonstration project with ugh

a partnership between agriculture and wildlife habitat. The Nature Conservancy recently acquired the McCormack-Williamson Tract, and the proposed project would develop baseline information needed before the site is restored. The funding will develop hydrologic and ecosystem baseline evaluation of the existing site and will fund study of the various alternatives for enhancement, environmental compliance, and public outreach. The Liberty Island acquisition was approved in 1997 and the Trust for Public Lands is holding the site until the Fish and Wildlife Service releases its environmental document for the proposed wildlife refuge. The current project would fund acquisition of two small parcels totaling 600 acres; this will address the issue of leaving remnant parcels in a reclamation district slated for restoration. Overall project planning for restoration and implementation is also funded through this project. Ms Halverson-Martin asked for questions about CALFED process or program as a whole.

Vice Chair Mello stated his concern with CALFED giving funds to nonprofits to allow CALFED projects to start without proper public review. He said acquisition is a "foot in the door" toward land use conversion. He added that safe harbor needs to be provided to nearby and adjoining landowners when habitat restoration is proposed. Ms Halverson-Martin said CALFED is listening and is trying to develop ways to solve such issues. She said CALFED is being very conservative about land acquisition, looking to those parcels that have the broadest support for acquisition. She asked for help developing solutions. Vice Chair Mello said nearby as well as adjacent landowners need to be consulted. Ms Halverson-Martin said CALFED is trying to address comments that the grant process is not public enough. She said next year the Category III grants will be processed over a year to allow local and public review.

Commissioner Broddrick said two of the projects involve developing restoration plans and strategies. The projects will allow for local and public review. The Commission can review and make comments on the proposed projects, thus addressing the concerns raised. He noted that the baseline monitoring on McCormack Williamson Tract is crucial to develop measurements of how valuable the restoration projects are in providing new habitat for key species. Commissioner Broddrick noted that the Cosumnes Preserve includes farmed rice lands. He said the proposed projects would allow discussion of balance of land uses in the Delta.

Vice Chair Mello asked how CALFED would evaluate the changes/losses of habitat when lands are converted from agriculture to habitat; Ms Halverson-Martin said these are important issues that need to be evaluated and balanced. She said the program needs to help those species and habitats that have been impacted the most, but the program needs to be able to determine when enough is enough. She said CALFED proposes to develop solutions through a collaborative process. She noted the two large acquisitions--Liberty Island and McCormack Williamson Tract-- will be maintained in agriculture until a restoration plan has been developed and agreed to by all. She said the land could be maintained in agriculture if agreement could not be reached. Vice Chair Mello asked if CEQA-NEPA processes would be completed prior to restoration; Ms Halverson-Martin said yes.

Chairman McCarty summarized for the Commission that normally the Commission would applaud an agency or entity that is entrepreneurial or opportunistic, however, there is concern in the Delta about haphazard acquisitions and the lack of a plan that makes sense. He said the Commission's mission is to maintain recreational opportunities, maintain economically viable agriculture, and support opportunities to restore and develop wildlife habitat in the context of an overall plan. He said the lack of a plan is one of the key criticisms of CALFED's early implementation. On a project level, one critical concern is how the restoration projects will affect the neighboring landowners and land uses. He said the Commission becomes concerned when the burdens fall on different people. Ms Halverson-Martin said CALFED has a general plan, but nothing specific for the Delta. CALFED will be convening a panel of scientists next month to recommend a process for ecosystem restoration, and a plan for ecosystem science for the Delta. This will allow CALFED to fund projects that will fit within a framework; the program will not be a random approach. This plan will identify the critical issues in the Delta and outline how CALFED can proceed toward ecological restoration.

Vice Chair Mello asked if CALFED has or will assess the current habitat values on all State and federally owned lands in the Delta. He said the Commission has supported creation of habitat on lands already owned by state and federal agencies and non-profits; evaluation of habitat on those lands could speed up enhancement/restoration on those lands. Ms Halverson-Martin agreed that assessment would ease the process of restoration, and she said CALFED is preparing an assessment and evaluation of publicly owned lands in their Geographic Information System.

Commissioner Salmon said that as a farmer in the Delta the McCormack Williamson Tract acquisition scares him because it was a highly productive piece of agricultural land, CALFED doesn't know what the trade-offs will be, and acquisitions may continue until there is no agriculture left in the Delta. He said every time he turns around more funds have been given for acquisition and more farmland has been acquired. Ms Halverson-Martin said the issues have been raised about acquisition and the impacts associated with changes in land use. She said CALFED is funding a project on the Upper Sacramento River to fully evaluate the impacts to second and third parties from the restoration of one parcel. She said CALFED is trying to be conservative; the implementation plan will be more detailed. She said CALFED is looking for help in developing the implementation component. The agricultural community has supported habitat enhancement as part of the CALFED program, and wants the agricultural community to partner with CALFED to have the program work for agriculture as well.

Commissioner Coglianese asked the name of the project that will study third party impacts; Ms Halverson-Martin said the Sacramento River-Beehive Reach Comprehensive Planning project.

Chairman McCarty said the principal goal of CALFED is to "fix the Delta" and the Delta is the "heart of the problem area". He said the Delta, like the heart, is a sensitive, delicate organ; balance is critical. Planning, particularly for the dramatic changes that could

evolve from the CALFED program, is extremely critical. He said the Commission has directed staff to work with various groups to develop plans and maps to understand where there is habitat, where there is publicly-owned land, where there are acquisitions, and within the policies in the Commission's Plan, where there are opportunities for ecosystem restoration. He said the staff would continue to work in those areas, and continue to work with CALFED to develop a "General Plan" for ecosystem restoration in the Delta.

Ms Aramburu suggested that since the Canal Ranch project is within the study area of the North/East Bundle/Solution Area, that the project be presented to the CALFED working group. She said it is important that the grant not preclude any of the options now under consideration by the working group.

Commissioner Yates thanked CALFED staff and the grant applicants for coming to the Commission meeting to allow comments from representatives of the local community.

Mike Eaton of the Nature Conservancy's Cosumnes Preserve reported that McCormack-Williamson Tract was acquired on September 30, 1999. He said the property is important for ecosystem restoration and conveyance. He said TNC would be participating in the CALFED working group to identify the best long-term management. He said there would not be conversion of the site until environmental review has been completed.

Vice Chair Mello said this site is critical for resolving flooding issues in the North Delta area.

Commissioner Yates suggested that the CALFED Subcommittee be convened to develop comments to CALFED. Ms Aramburu agreed to convene the Committee.

Commissioner Broddrick said Department of Fish and Game will be submitting a copy of the project to the Commission and to nearby landowners.

Chairman McCarty said the CALFED Committee would prepare and submit comments before the CALFED Policy Group meeting on December 15, 1999.

5. **Commissioner Comments /Announcements.** Vice Chair Mello said the first CALFED grant to protect and enhance waterside habitat along Georgiana Slough and Tyler Island without riprap is working well.
6. **Attorney General's Report.** Carla Caruso had no report.
7. **Executive Director's Report.** Ms Aramburu reviewed the materials in the mailing packet and the materials handed out at the meeting. She reported on recent activities including: Ad Hoc Recreation; Ad Hoc Ecosystem Restoration; Delta In-Channel Islands; Funding for Delta Levees in the Water Bond; and the status of proposed legislation by the Commission.

Commissioner Matthews asked if the levee funds in the Water Bond would be for the on-going maintenance program or for new work; Ms Aramburu said the funds are for on-going work only.

Commissioner Yates asked about funds in the Water Bond for CALFED levee work; Stein Buer, CALFED staff, said the \$30 million in the Water Bond for levee work will be split between special projects and the on-going levee maintenance program. He said the CALFED program hopes to incorporate habitat enhancement in the levee program through creation of berms on the waterside of levees or by building setback levees where there are meanders; continuing the maintenance program; improving emergency response; and reducing risk of levee failure. He said the proposed expenditure for the levee program over the 30 life of the CALFED program is \$700 million, or about \$35 million per year. He said the levee program has been very successful through the last rounds of high water. He added that the split between public and private funds has been about 50-50, not the 75-25 split allowed in the legislation.

Vice Chair Mello said the CALFED program will bring the levees to a higher standard-- PL84-99. He said he had researched funding costs for Delta levees that are about 50-50 when emergency expenditures are factored in.

Commissioner Curry said the Commission's comment letter identified lack of planning for recreation. An Ad Hoc group has been meeting with CALFED staff to help develop constructive comments to submit to CALFED. The group will be developing ideas for specific projects and funding sources. He said one of the big challenges is sources of operation and maintenance funds.

Chairman McCarty asked if there is now 55,992 acres in public and non-profit ownership. Ms Aramburu said many of these sites have not changed land use since acquisition.

8. **Ethics Training.** Carla Caruso reported that the Legislature has passed a law that requires that all the Commissioners and the Executive Director to participate in an ethics-training program this year and every two years thereafter. The State has prepared two formats: a video and an Internet training course. Each takes about two hours. She said that Commissioners who have already taken the Ethics course could sign a form and return it to the Commission office. Staff will keep a record of who took the course and when.

Vice Chair Mello asked if this is required of special districts; Ms Caruso said it only applies to State agencies. Chairman McCarty said his districts had researched the issue and had been directed that the training is not required.

9. **Strategic Planning.** Ms Aramburu said Commissioner McGowan would not be here tonight, but he has suggested that the Commission move forward with a special meeting to discuss the Commission's Strategic Plan. To this end, he has recommended Thursday, February 24, 2000 for this meeting. More information will be mailed before the meeting.
10. **Update on McCormack Williamson Tract/Bean Ranch, Sacramento County.** This matter was addressed in the Chairman's Report.
11. **Update on CALFED Stage 1A Actions: South Delta.** Stein Buer, CALFED staff, made a presentation to the Commission using overheads. He noted that a public workshop is scheduled on December 9 in Tracy; the meetings will be held quarterly. Mr. Buer reviewed the CALFED planning process. CALFED has started planning for projects to be implemented shortly after the Record of Decision is approved. He said the projects planned now will not prejudice the final environmental document, and the bundles are subject to change and are subject to detailed analysis and environmental review. Mr. Buer said key areas will be identified and linkages will be established. The 100 high priority actions are grouped into seven bundles.

The South Delta bundle includes: interim dredging of key areas and sites (sediment from current operations of the projects and from the 1997 flood have affected Hammer Island [at the mouth to the intake to the Tracy pumping plant], Del's Marina, and Tracy Marina); South Delta Improvements; Tracy Fish Facility, South Delta ecosystem restoration; Stockton DO problem; source water for Contra Costa Water District; upstream water quality improvement; loadings for drinking water; recirculation of San Joaquin; Vernalis management plan; temporary barriers; and joint point of diversion. Mr. Buer said the proposal to relocate the intake of Clifton Court Forebay to the north and add a fish screen could have stage impacts in the Delta. The bundle includes localized channel dredging to improve flow in Old River south toward the pumps and to reduce stage impacts in the South Delta. The plan includes a fish barrier at the head of Old River and two agricultural barriers at Middle River and Old River. A barrier at Grant Line Canal will be evaluated. The barriers will keep water elevations high to allow irrigation. When water quality is poor, the barriers will keep poor quality in the San Joaquin River and away from the pumps.

Commissioner Salmon said the system will not work without the barrier on the Grant Line Canal. Mr. Buer said the general effect is for the water to circulate around and to drain out the Grant Line Canal; the modeling shows the water elevations will be lower without the Grant Line Canal barrier. He said the plan is to build two barriers first, and then evaluate the need for the third barrier. He said the third barrier has been postponed to address fish migration issues raised by federal agencies. CALFED will dredge certain areas and screen the intakes. He noted there is local concern that the agencies will not maintain the fish screens. Commissioner Salmon said he had to turn off pumps on Middle River today; he expressed concern that there will be adverse impacts to local agriculture if there is not adequate water elevations for agricultural uses. Mr. Buer said there has only been a Grant Line barrier since 1996 and he believes the situation has worsened

since the 1997 floods. Vice Chair Mello asked if the farmers use pumps or siphons; Commissioner Salmon said there are pump up above, and siphons closer to the Clifton Court Forebay. Vice Chair Mello said CALFED is offering to dredge, extend and screen the intakes, but if a farmer has to switch from gravity to electric pumps, who will pay the costs. Mr. Buer said CALFED's policy is that would be a project/agencies expense in perpetuity.

Chairman McCarty said he understood the Fish and Wildlife Service had objected to the Grant Line Canal barrier, and asked if cost is eliminating a barrier that can be opened to allow the fish to pass; Mr. Buer said no, all the barriers would be operable. The DWR proposal for the Grant Line Barrier was to have the barrier open about 70% of the time.

Commissioner Curry asked if one could visit the sites; Commissioner Salmon said the Grant Line Barrier site is near a bridge.

Vice Chair Mello asked if dredges/barges can pass the barriers; Mr. Buer said yes.

Rogene Reynolds asked if the needed widening would be on the north or south side of the channel; Mr. Buer said that has not been determined.

Ms Aramburu asked when the fish barrier would be closed; Mr. Buer said the barrier would be closed April 15 through June 15 to keep the salmon smolts in the San Joaquin River, and in the fall the barrier would be closed to keep poor quality water in the San Joaquin River. Mr. Buer said when the barrier is closed, the water elevations in Old River drop, so it's necessary to close the agricultural barriers as well. He said there would be a barriers operation coordination team, including the local perspective.

Mr. Buer said the South Delta bundle will improve export capacity--8,500 cfs in the interim (when the ROD is approved); and long term goal of 10,300 cfs. He said this would result in only 3 to 5% increase in exports.

Ms Aramburu asked about the timeline for environmental review; Mr. Buer said the environmental document for the barriers, etc., should be completed in March 2001. He said CALFED's commitment is that all the elements must move forward together.

Mr. Buer said the Tracy test fish facility is underway with a final design concept due in December; the ecosystem restoration program will be in the south and west Delta, e.g. Sherman and Twitchell Islands; benefits will be bundled such as flood capacity, recreation and water quality; Stockton DO project is underway and monitoring should start next year; source water improvement for Contra Costa County Water District is underway with a local oversight group (Rock Slough and Los Vaqueros Intake); agricultural drainage management is on-going in the Valley (salts); and drinking water constituents work group is developing a study. Vice Chair Mello asked if treatment of drinking water is being considered; Mr. Buer said yes. Recirculation has been suggested by the South Delta Water Agency and CALFED has committed to full evaluation of

recirculation and this will be discussed at the December South Delta meeting. The Vernalis Adaptive Management Plan was implemented this year providing additional flows in the spring, however, not all agencies have signed the agreement. The temporary barriers will be installed until permanent barriers are constructed. There will continue to be evaluation of joint point of diversion for the State and federal projects.

Chairman McCarty suggested that the CALFED Subcommittee prepare a draft letter for the full Commission to consider in January.

12. **CALFED Governance Proposal.** Ms Aramburu said the Commission commented that the governance program should be developed as soon as possible; the CALFED Policy Group recommends continuing with the existing governance program until such time as a new governance program is adopted. The Policy Group has recommended the "straw proposal" developed by an outside environmental group that would result in both State and federal legislation to create a new agency to oversee implementation of the CALFED program. The proposed agency would have 6 federal seats, 6 State seats, and 6 "stakeholder" seats. One of the Stakeholder seats is designated a Delta seat. Ms Aramburu suggested that the Commission appoint the Delta representative to ensure that there will be a strong relationship between the Commission and the CALFED Agency, and that Delta issues will be part of CALFED Agency decision-making.

Vice Chair Mello said there should be more than one Delta seat.

Commissioner Yates said there were similar comments to the Policy Group from the Native American tribes; the number of seats will be a topic of on-going discussion. He added that some groups are calling for a separate entity to oversee the ecosystem restoration program. He believes there should be one CALFED program, including ecosystem restoration and all other aspects of the CALFED program.

Commissioner Notolli agreed that there should be more than one Delta seat, such as local government or landowner representation, perhaps three Delta seats.

Commissioner Coglianese said she spoke at the Policy Group meeting in support of a local government seat on the proposed CALFED agency, perhaps appointed by CSAC or League of California Cities. She said local government is closest to the citizens and will have to implement much of the actual program.

Commissioner Curry asked why the Department of Finance should have a seat; Chairman McCarty commented on the large amount of funds being committed to the program, Commissioner Yates said he thought they could be advisory and the Delta Protection Commission could take that State seat, and Commissioner Broddrick said the Department of Finance sits on the Wildlife Conservation Board and its very positive, so there could just be seven State agencies.

Chairman McCarty asked staff to prepare a comment letter to CALFED possibly suggesting the Delta Protection Commission be a State agency on the CALFED agency; that a Delta stakeholder seat be included; and that a local government seat be included. He asked that the letter go to the CALFED Subcommittee and the matter return to the Commission in January. The letter would be submitted to CALFED and to the Legislature.

- 13. Adjourn.** Commissioner Broddrick recognized Lt. Dennis Diandra, Department of Fish and Game, and Tim Ramirez a new employee in the Secretary for Resources' office.